

EXHIBIT R

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
No.: 1:20-CV-05441 (KPF)(KWL)

UNIFORMED FIRE OFFICERS)
ASSOCIATION, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
BILL de BLASIO, et al.,)
)
 Defendants.)
_____)

REMOTE VIDEOTAPED DEPOSITION OF
SHERYL MONTOUR
Friday, August 7, 2020

REPORTED BY:

RHONDA HALL-BREUWET, RDR, CRR, LCR, CCR, FPR

JOB NO. 28094

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August 7, 2020

11:34 a.m.

Videotaped Deposition of SHERYL

MONTOUR, held remotely before Rhonda
Hall-Breuwet, Registered Diplomate Reporter,
Certified Realtime Reporter, Licensed Court
Reporter (TN), Certified Court Reporter (GA
and LA), Florida Professional Reporter, and
Notary Public of the State of Florida.

A P P E A R A N C E S:

ATTORNEYS FOR PLAINTIFFS:

DLA PIPER LLP (US)

1251 Avenue of the Americas

New York, New York 10020

(212) 335-4500

BY: ANTHONY PAUL COLES, ESQUIRE

EMAIL: anthony.coles@dlapiper.com

- and -

500 Eighth Street, NW

Washington, DC 20004

(202) 799-4000

BY: EVAN NORTH, ESQUIRE

EMAIL: evan.north@dlapiper.com

(Continued)

1 ATTORNEYS FOR DEFENDANT:

2
3 NEW YORK CITY LAW DEPARTMENT

4 100 Church Street

5 New York, New York 10007

6 (212) 356-2444

7 BY: DOMINIQUE F. SAINT-FORT, ESQUIRE

8 REBECCA GIBSON QUINN, ESQUIRE

9 EMAIL: dosaint@law.nyc.gov

10 rquinn@law.nyc.gov

11
12
13 ALSO PRESENT:

14 MATT MATYSTIK, Paralegal - DLA Piper

15
16 EXHIBIT TECHNICIAN:

17 GABRIELA ALVAREZ

18
19 VIDEOGRAPHER:

20 JEREMY LeMASTER

I N D E X

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DIRECT EXAMINATION BY MR. NORTH

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E X H I B I T S

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EXHIBIT 2	Letter from Rebecca G. Quinn and Dominique Saint-Fort to Judge Failla dated 7/25/20	52
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EXHIBIT 4	Opinion of the Committee on Open Government, FOIL AO 19775, dated 7/27/20	57

1 SHERYL MONTOUR

2 THE VIDEOGRAPHER: Good morning.

3 We are now on the record. Today's date is
4 August 7th, 2020, and the time is
5 11:34 a.m. Eastern Standard Time.

6 This is the video deposition of
7 Sheryl Montour in the matter of Uniformed
8 Fire Officers Association, et al., versus
9 Bill de Blasio, et al., filed in the United
10 States District Court, Southern District of
11 New York, Case
12 Number 1:20-cv-05441-KPF-RWL.

13 This deposition is taking place
14 via web videoconference with all
15 participants attending remotely due to the
16 COVID-19 pandemic.

17 My name is Jeremy LeMaster. I am
18 the videographer representing TransPerfect,
19 and the document tech is Gabriela Alvarez.

20 Would counsel on the conference
21 please identify yourselves and state whom
22 you represent, beginning with the
23 questioning attorney.

24 MR. NORTH: Good morning,
25 everyone. This is Evan North with

1 SHERYL MONTOUR

2 DLA Piper, here on behalf of the
3 plaintiffs. I'm joined here today by
4 Anthony Coles, who is on the phone.

5 MS. QUINN: And good morning,
6 everyone. My name is Rebecca Quinn from
7 the office of the Corporation Counsel,
8 representing defendants, and I'm here with
9 my colleague Dominique Saint-Fort.

10 THE VIDEOGRAPHER: Thank you,
11 Counsel. Our court reporter today is
12 Rhonda Hall-Breuwet, representing
13 TransPerfect. The court reporter will now
14 swear in the witness.

15 CERTIFIED STENOGRAPHER: Raise
16 your right hand, please.

17 Do you solemnly swear the
18 testimony you are about to give will be the
19 truth, the whole truth, and nothing but the
20 truth?

21 THE WITNESS: Yes.

22 SHERYL MONTOUR
23 acknowledged having been duly sworn to tell
24 the truth and testified upon her oath as
25 follows:

1 SHERYL MONTOUR

2 DIRECT EXAMINATION

3 BY MR. NORTH:

4 Q Good morning, Ms. Montour. How
5 are you today?

6 A I'm good. How are you?

7 Q Good. Thank you.

8 Have you ever been deposed before?

9 A No.

10 Q Are you generally familiar with
11 how depositions work?

12 A Yes.

13 Q Do you understand that you're
14 testifying under oath today?

15 A Yes.

16 Q And if you don't understand a
17 question, if you can just let me know, I'll
18 try to rephrase it. But can we agree that if
19 I ask a question and you don't let me know
20 that it was confusing, that you understood the
21 question as I posed it?

22 A Yes.

23 Q That question itself may have been
24 confusing. So I apologize.

25 There is a court reporter joining

1 SHERYL MONTOUR
2 us today, as well as a videographer, and I
3 would just ask that you speak up and speak
4 slowly, and always ensure that you provide a
5 verbal response as opposed to shaking your
6 head so that we capture everything on the
7 transcript.

8 A Will do.

9 Q Does that work?

10 A Yes.

11 Q So this will be a fairly quick
12 deposition, but you can feel free to let me
13 know if you need a break, and we can take that
14 at any time as long as we don't take a break
15 while a question is pending, unless you need
16 to confer with your attorney on a subject that
17 may be privileged.

18 A Okay.

19 Q Does that work?

20 A Yes, it does.

21 Q Are you currently employed?

22 A Yes.

23 Q By whom?

24 A The fire department of New York
25 City.

1 SHERYL MONTOUR

2 Q How long have you been employed by
3 the fire department?

4 A Since October 2017.

5 Q And what is your current position?

6 A Record access officer/agency
7 attorney.

8 Q How long have you held that
9 position?

10 A The entire time.

11 Q And where did you work previously?

12 A Previously I worked -- I was a
13 contract attorney at Department of Education.

14 Q In your current capacity with the
15 fire department, can you please describe the
16 general nature of your job responsibilities.

17 A I'm the FOIL officer, and I handle
18 incoming FOIL requests and process them
19 through.

20 Q Are there any other job
21 responsibilities that you have?

22 A I also handle audio preservation
23 requests, and I manage -- I supervise the
24 unit. That's about it.

25 Q Can you tell me the name of the

1 SHERYL MONTOUR

2 unit that you supervise, please.

3 A The FOIL unit.

4 Q How many other employees are in
5 the FOIL unit?

6 A One full-time and someone else
7 that assists. So three of us in total.

8 Q And do those other employees
9 assist you in responding to FOIL requests?

10 A Yeah. Yes.

11 Q And if I refer to "the department"
12 in this deposition, can we agree that I'm
13 referring to the fire department?

14 A Agreed.

15 Q Do you understand that you're here
16 to testify as a designated representative of
17 the fire department?

18 A I understand.

19 Q Have you done anything to prepare
20 to testify in that capacity?

21 A I spoke to the attorneys at the
22 law department. That's about it.

23 Q Did you review any documents?

24 A Not particularly, no. It's been a
25 busy week.

1 SHERYL MONTOUR

2 Q Understood.

3 Are you prepared today to testify
4 regarding policies and practices for handling
5 FOIL requests at the fire department?

6 A Yes, to the best of my knowledge.

7 Q And are you prepared today to
8 testify regarding the privacy of personnel
9 records maintained by the fire department?

10 A Yes, to the best of my knowledge.

11 Q And when you say to the best of
12 your knowledge, did you prepare for this
13 deposition to testify on behalf of the
14 department's knowledge on that topic
15 collectively?

16 A Yes.

17 Q And are you prepared to do that?

18 A I'm ready when you are.

19 Q Okay. What written policies or
20 rules do you and the FOIL employees in your
21 unit follow in reviewing and responding to
22 FOIL requests?

23 A Public Officers Law, the Freedom
24 of Information Law, and --

25 Q Are you referring to -- I'm sorry.

1 SHERYL MONTOUR

2 I cut you off, and I'm sure that won't be the
3 last time just because it's on Zoom, but
4 please finish your answer.

5 A And when necessary, the Committee
6 on Open Governance [sic] and case law.

7 Q And does the department itself
8 have any of its own policies or written
9 guidance regarding the proper handling of FOIL
10 requests?

11 A No, not to my knowledge.

12 Q Does the department follow any
13 citywide policies regarding the disclosure of
14 information to third parties?

15 A Yes. They rely on the citywide
16 guidance on privacy.

17 Q And does that citywide guidance on
18 privacy bear on the department's responses to
19 FOIL requests?

20 A I'm sure perhaps it -- typically I
21 just refer to the FOIL, to the Freedom of
22 Information Law, the actual statute.

23 Q And when you are responding to a
24 FOIL request, do you ever consult the views of
25 the Committee on Open Government on the proper

1 SHERYL MONTOUR

2 response?

3 A Yes, I do.

4 Q On what occasions have you done
5 that?

6 A Any -- on various occasions, just
7 typically when I need further guidance on
8 matters that I haven't typically reviewed or
9 need clarity on a particular statute.

10 Q And let me just stop and clarify
11 my question because I think it could have been
12 interpreted in one of two ways.

13 Have you ever requested the views
14 of the Committee on Open Government on the
15 proper response to a FOIL request?

16 A Have I submitted a formal? No, I
17 don't believe so, to . . .

18 Q But you would consult the advisory
19 opinions that they make available on their
20 website. Is that your testimony?

21 A Yes.

22 Q And what type of case law would
23 you consult in responding to a FOIL request?

24 A Like I just look up the -- use
25 keywords to look up things in LexisNexis to

1 SHERYL MONTOUR

2 find case law, but it just depends on what I'm
3 researching.

4 Q Do the other members of your team
5 follow the same steps?

6 A They're mostly in an admin
7 position. So no.

8 Q So are you the only attorney for
9 the FOIL unit that would take those types of
10 steps?

11 A Yes.

12 Q Right. And does the department
13 have -- or does the FOIL unit use anything
14 other than the sources that we've just
15 discussed in determining whether -- in
16 determining how to respond to a FOIL request?

17 A I will mention, there's the New
18 York City administration law for identifiable
19 information. Other than that, yes, that's
20 everything.

21 Q Have you received any instruction
22 or training on how to process FOIL requests?

23 A Formal training? No.

24 Q Have you received any informal
25 training?

1 SHERYL MONTOUR

2 A I trained myself. I mean, that's
3 my informal training.

4 CERTIFIED STENOGRAPHER: I'm
5 sorry. I missed the very first part of
6 what you said.

7 THE WITNESS: I don't remember
8 either. Repeat the question and I'll
9 reanswer it.

10 BY MR. NORTH:

11 Q I just asked if you had received
12 any informal training, and I believe you
13 answered that you had just essentially trained
14 yourself. Is that accurate?

15 A That's accurate.

16 Q Okay. Thank you.

17 What type of -- going back to the
18 Committee on Open Government advisory
19 opinions, what type of deference do you give
20 the opinions expressed by the Committee on
21 Open Government in determining how to respond
22 to a FOIL request?

23 A They're opinions. I just use them
24 as guidance, but I usually refer to case law
25 and see what the case law says on it because

1 SHERYL MONTOUR

2 they're not -- they're not final. The
3 committee oftentimes issues opinions that
4 differ from case law. So it's just kind of
5 guidance, is how I treat it.

6 Q Do you consider the committee's
7 views to be authoritative?

8 A No. No.

9 Q Do you consider them to be
10 persuasive?

11 A I consider them to be a starting
12 point of guidance on where you should go, but
13 typically it requires further investigation
14 because oftentimes I find that case law
15 differs from their opinions.

16 Q How do you determine -- strike
17 that.

18 How does the department ensure
19 that its responses to FOIL requests are
20 treated similarly from one request to the
21 next?

22 MS. QUINN: Objection.

23 You can answer.

24 THE WITNESS: Can you repeat the
25 question one more time?

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q Sure. I'll ask a slightly
4 different question that hopefully is more
5 clear.

6 How does the department, or how
7 does the FOIL unit, ensure that its responses
8 to FOIL requests are similar and consistent
9 from one request to the next?

10 MS. QUINN: Objection.

11 You can answer.

12 THE WITNESS: It's hard to answer.
13 But really, with FOIL, it's on a
14 case-by-case basis. For the regular
15 requests that I receive that are kind of
16 uniform and the bulk of our request, you
17 know, we redact PII.

18 And it's kind of uniform because a
19 911 call is similar in all aspects, but
20 when it comes to unique FOIL requests, it's
21 a case-by-case basis. And I ensure it by
22 passing judgment -- I mean, outside of PII,
23 it just varies on what the document has.
24 You know, I have to read it and determine
25 what to disclose and what not to disclose.

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q And just so that I understand
4 exactly what you're referring to, when you
5 talk about the document and you mention that
6 it varies on what -- your decision varies
7 based on what the document has, are you
8 referring to the request or the records that
9 are requested?

10 A The records that are requested.

11 Q And can you walk me through the
12 process of how you determine whether a
13 particular record should be disclosed in
14 response to a FOIL request?

15 A Well, because FOIL has very few
16 exemptions that are in toto, like I wouldn't
17 have to produce anything, I typically request
18 the documents from the record holder; and upon
19 receiving it, I determine if there is any
20 exemptions that would in whole allow the
21 document not to be released. And if there
22 isn't any other statutes that prevent it from
23 being released in its entirety, I go line by
24 line and determine what's releasable and
25 what's not releasable.

1 SHERYL MONTOUR

2 Q And when you go line by line, as
3 you say, are you going line by line in the
4 specific records that are requested to
5 determine whether an exemption applies?

6 A Yes.

7 Q And do you do that in all cases?

8 A Yes. For the uniques, yes, we do.
9 I mean, we do that for all cases, actually,
10 yes.

11 Q Going back to the Committee on
12 Open Government for a moment, you mentioned
13 that you don't view their views as binding and
14 that you often follow up with case law
15 research.

16 Can you provide an example of
17 where you reviewed a Committee on Open
18 Government advisory opinion and then followed
19 that up with case law and that case law was at
20 odds with the advisory opinion?

21 MS. QUINN: Objection.

22 You can answer.

23 THE WITNESS: A specific instance?

24 No, I can't think of one at the moment.

25 ///

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q And does the department -- does
4 the department follow any other steps to
5 ensure that its treatment of FOIL requests is
6 consistent from one request to the next?

7 MS. QUINN: Objection.

8 You can answer.

9 THE WITNESS: No. I just try to
10 treat everything as it comes. And since
11 I'm usually the one reviewing it, at times
12 sometimes I escalate, but yes, just opinion
13 on once you receive the document. There's
14 nothing further I can say we do.

15 BY MR. NORTH:

16 Q And in what circumstances would
17 you escalate a particular request?

18 A I do quality control. So for the
19 typical records that are somewhat uniform, I
20 have my admin do the first level of quality
21 control, and then I do the second level of
22 quality control. However, when it comes to
23 more unique requests, I do the first level of
24 quality control, and then I typically escalate
25 it to my -- the chief privacy officer, my

1 SHERYL MONTOUR

2 boss, to do my quality control.

3 Q Who is the chief privacy officer
4 of the fire department?

5 A James Saunders.

6 Q When you mentioned more unique
7 requests that would start with your review and
8 then potentially escalate to the chief privacy
9 officer, can you give me an example of a more
10 unique request?

11 A A unique request would be, let's
12 say, training manuals. Training manuals or
13 inspection reports for the Second Avenue
14 Subway line. Those are more unique requests.

15 Q Would a request for disciplinary
16 records of firefighters or fire officers be
17 considered a more unique request?

18 A Yes.

19 Q Have you ever escalated a request
20 for disciplinary records of firefighters or
21 fire officers to the chief privacy officer?

22 A Yes.

23 Q When did that occur?

24 A Before a request for years' worth
25 of disciplinary records, we asserted 50-a,

1 SHERYL MONTOUR

2 however, but we did provide aggregate
3 information.

4 Q There was a little interference in
5 the middle of that answer, but I think I got
6 it.

7 Do I have it correct that you
8 received a request for years' worth of
9 disciplinary records?

10 A It was for disciplinary and EEO
11 records. So we -- I conferred with him,
12 requested the data, but we only ended up
13 releasing aggregate information. Disciplinary
14 -- disciplinary records are protected under
15 50-a.

16 Q And what was the -- can you
17 describe what the aggregate information that
18 you produced consisted of?

19 A Literally, just substantiated,
20 unsubstantiated, and I remember there was a
21 chunk that we didn't know what the outcome
22 was. But it was very limited. It literally
23 was just year, substantiated, unsubstantiated,
24 I believe, and the numbers that we didn't know
25 what happened because there are some files

1 SHERYL MONTOUR

2 because it was -- I think it was a decade or
3 two decades worth of information and our
4 document system wasn't up to date. So we
5 couldn't provide the final outcome. So some
6 of them were unknown, is what we called it.

7 Q Can you clarify generally when
8 this request was received or specifically, if
9 you know?

10 A I know it came in before I
11 started, and because we're typically
12 backlogged, it wasn't responded to and
13 escalated to litigation after I started,
14 pretty much right after I started, I believe.

15 Q Did the request call for
16 disclosure of actual disciplinary records of
17 members of service?

18 A As they requested, yes, but we
19 asserted 50-a.

20 Q And did you do so in written
21 communication to the requester?

22 A Yes.

23 Q And did you provide a basis for
24 denying the requests, at least as to the
25 actual disciplinary records, other than

1 SHERYL MONTOUR

2 Section 50-a?

3 A I don't -- I don't really recall,
4 but I don't think so. Because that's one of
5 the exemptions that are in total. So I -- I
6 would have to -- I just don't remember. I
7 don't believe so, but I don't quite remember.

8 Q Do you recall whether you consider
9 the potential privacy implications or the
10 applicability of the privacy exemption to the
11 request?

12 A I don't understand the question.

13 Q Are you familiar with the privacy
14 exemption to FOIL?

15 A Yes.

16 Q Do you recall whether you
17 considered the applicability of that exemption
18 to the request that we're discussing?

19 A If you're asking in regards to
20 disciplinary records, no, because they're
21 exempt in whole, or they were at the time.

22 Q And you mentioned that this
23 request was a few years ago. Have you or has
24 the department received a request for
25 disciplinary records since the repeal of 50-a?

1 SHERYL MONTOUR

2 A I believe there has been a couple,
3 but I'm backlogged and still dealing with
4 requests from 2019. So they're not -- other
5 than acknowledging them, I haven't started
6 working on them.

7 Q How long does it typically take
8 the fire department to respond to a FOIL
9 request?

10 A It takes at least three to six
11 months, but really with our backlog, there are
12 things that take a whole year or more.

13 Q So when you are operating with a
14 backlog, do certain requesters ever jump to
15 the front of the line or closer to the front
16 of the line for one reason or another?

17 A Sometimes. However, it typically
18 has to deal with if someone -- if there was a
19 fire and someone ahead of the line had
20 requested the same fire report, my assistants
21 would get it from tracking multiple requests.
22 So if someone at a hundred requested an
23 incident and someone at 5,000, when I'm
24 closing it, I'll close both because they
25 requested the same report. Sometimes,

1 SHERYL MONTOUR

2 depending on urgency, we can escalate FOIL
3 requests -- basically, it comes from the
4 executive floor to escalate, then I'll
5 escalate, but I don't otherwise, typically.

6 Q Just to make sure I got your
7 testimony right, did you say that if it comes
8 from the executive floor you'll escalate?

9 A If there's an urgency and they
10 express that, you know, that information is
11 needed as soon as possible, then yes.

12 Q Do you ever prioritize certain
13 requests based upon the identity of the
14 requester?

15 A Not typically.

16 Q Does the FOIL unit at the fire
17 department take any steps to ensure that its
18 responses under FOIL are consistent with the
19 types of responses provided by other City
20 agencies?

21 MS. QUINN: Objection.

22 You can answer.

23 THE WITNESS: I don't think I
24 understand. Could you repeat it?

25 ///

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q I'm happy to rephrase it. Sure.

4 You have counterparts at other
5 City agencies who also are responsible for
6 responding to FOIL requests.

7 A Right.

8 Q Is that fair to say?

9 A That is.

10 Q Does the FOIL unit at the fire
11 department take any steps to ensure that the
12 way that the fire department responds to FOIL
13 requests is consistent with how other City
14 agencies respond to FOIL requests?

15 A No. I'm not sure how I would --
16 no. I don't think we do, because you wouldn't
17 know if another agency received the same
18 request. There was a committee at the mayor's
19 office where we would meet and discuss FOIL
20 issues. That was about as far as I could say
21 without conferring with other record access
22 officers.

23 Q Does the committee that you just
24 referenced have a name?

25 A I don't -- I think it was maybe

1 SHERYL MONTOUR

2 the mayor's office FOIL committee -- I don't
3 know what it was called, actually. I don't
4 know.

5 Q And are you using the past tense
6 because that committee no longer exists?

7 A It was more like meetings that
8 they were having. I don't want to necessarily
9 categorize it as an official committee, but
10 the mayor's office for a while, they were --
11 was having all the -- inviting several record
12 access officers from different agencies to
13 meet and discuss the varying issues that we
14 come across and seeing if we could help each
15 other in guidance. But I have not -- they
16 have not had a meeting, to my knowledge, for
17 probably almost a year.

18 Q I'm sorry. Did you say almost a
19 year?

20 A Yeah. At least I haven't been
21 invited if there was.

22 Q Did you ever attend one of these
23 meetings and discuss the disclosure of
24 disciplinary records?

25 A No.

1 SHERYL MONTOUR

2 Q Was the topic of the correct
3 application of the privacy exemption to FOIL
4 ever discussed at these meetings?

5 A Just to clarify, when you say "the
6 privacy exemption," you mean the unwarranted
7 invasion of privacy?

8 Q Yes, and I apologize. I am using
9 a shorthand, but you have it right.

10 A I can't recall any specific
11 discussion, but it comes up often. So I would
12 rather say I don't recall, but all of
13 it's . . .

14 Q So when you say that it comes up
15 often, are you referring to the committee
16 meetings that we were just discussing or other
17 circumstances when that subject comes up?

18 A I would say it's the exemption I
19 use the most, and probably most FOIL officers.

20 Q And what are the circumstances in
21 which you use the privacy exemption? Can we
22 agree to call it the privacy exemption and
23 we'll know that we're talking about what you
24 just referred to as the unwarranted invasion
25 of privacy?

1 SHERYL MONTOUR

2 A Agreed.

3 Mainly PII is what I use it for,
4 personally identifiable information.

5 Q Thank you.

6 Are there any other circumstances
7 in which the privacy exemption is discussed?

8 MS. QUINN: Objection.

9 You can answer.

10 THE WITNESS: Not in particular.

11 CERTIFIED STENOGRAPHER: I'm
12 sorry?

13 BY MR. NORTH:

14 Q Have you discussed --

15 A Not in particular.

16 Q Have you discussed the correct
17 application of the privacy exemption to a
18 request for firefighter disciplinary records
19 with anyone?

20 MS. QUINN: Objection.

21 I would just like to instruct the
22 witness only to answer that question as it
23 doesn't infringe on attorney-client
24 privilege. But you can answer.

25 THE WITNESS: Can you repeat it

1 SHERYL MONTOUR

2 now?

3 BY MR. NORTH:

4 Q Yes. And just to clarify,
5 whenever I ask a question that in your mind
6 could potentially implicate something that is
7 privileged, I'm not calling for you to provide
8 anything that you consider to be privileged.

9 But I would like to know whether you have
10 discussed the correct application of the
11 privacy exemption to a request for firefighter
12 disciplinary records with anyone.

13 MS. QUINN: Objection.

14 You can answer.

15 THE WITNESS: Not necessarily,
16 because up until recently, I wasn't allowed
17 to give them out. So I would just say
18 "50-a," and that would be the end of it. I
19 haven't had to request it or review it
20 because, again, it was wholly exempt. And
21 since the repeal, other than this matter,
22 no, I have not necessarily discussed it.

23 BY MR. NORTH:

24 Q And when you say "other than this
25 matter," you're referring to discussions with

1 SHERYL MONTOUR

2 counsel in this matter?

3 A In -- yes.

4 Q Have you had discussions with
5 anyone other than counsel in this matter
6 regarding the correct application of the
7 privacy exemption in light of the repeal of
8 50-a?

9 A No.

10 Q Let's take a look at Tab 26,
11 please. I'm going to have a document that
12 should show up on your screen, and we'll try
13 to make it as easy to read as possible. This
14 is the Citywide Privacy Protection Policies
15 and Protocols.

16 Are you familiar with this
17 document?

18 A Yes, I've seen it before.

19 MR. NORTH: I'd like to introduce
20 this document as mark it as Exhibit A --
21 I'm sorry. Exhibit 1.

22 (Exhibit Number 1, Citywide
23 Privacy Protection Policies and
24 Protocols, dated 1/28/19,
25 Bates-stamped DEF_UFOA_001944 -

1 SHERYL MONTOUR

2 1981, was marked for
3 identification.)

4 BY MR. NORTH:

5 Q Do you use this document in
6 referring -- in responding to FOIL requests?

7 A I don't typically refer to it.

8 Q Are you familiar with the model
9 protocols for handling third-party requests
10 for information held by City agencies?

11 A I know I've reviewed it in the
12 past, but I don't want to say I'm proficient
13 at it. But from what I --

14 (Indiscernible crosstalk.)

15 Q Let's go to -- I'm sorry. I cut
16 you off. Please continue.

17 A That's it. You can continue.

18 MR. NORTH: Let's go to the page
19 that ends in 1954, and we'll try to enlarge
20 that highlighted Section 1.5.5 which
21 references those model protocols.

22 BY MR. NORTH:

23 Q The second sentence says: "The
24 Model Protocols set forth a factual and legal
25 assessment process which agencies must follow

1 SHERYL MONTOUR

2 when handling a request from a third party for
3 City information, including but not limited to
4 identifying information."

5 Does the department follow the
6 model protocols?

7 A I believe so. If this -- if
8 you're asking me do we do what this line you
9 just repeated states, yes.

10 Q I think there's something covering
11 your camera.

12 A Oh.

13 Q It may just be your hand. Sorry.

14 A Yeah, it was.

15 Q And are you familiar with the
16 factual and legal assessment process that's
17 required by the model protocols?

18 A I'm going to just reiterate,
19 typically I -- when I get a request, I review
20 the law committee and case law. I don't think
21 my procedures differ, but I don't want to say
22 I'm referring to this document when responding
23 to a FOIL request because I am not.

24 Q Do you understand whether or not
25 the model protocols are relevant to the

1 SHERYL MONTOUR

2 department's consideration of FOIL requests?

3 MS. QUINN: Objection.

4 You can answer.

5 THE WITNESS: Can you repeat the
6 question?

7 BY MR. NORTH:

8 Q Sure.

9 Do you have an understanding of
10 whether or not the model protocols are
11 relevant to the department's consideration of
12 FOIL requests?

13 A I would venture to say yes because
14 it deals with confidentiality.

15 Q And do they also deal with the
16 proper handling of third-party requests for --
17 for the information?

18 A I don't understand the question.
19 Repeat it, please.

20 Q Sure.

21 You mentioned that you would
22 venture to say that the department does follow
23 the model protocols to the extent they deal
24 with confidentiality, and I also wanted to
25 know whether you understand the model

1 SHERYL MONTOUR

2 protocols to be relevant to the proper
3 handling of third-party requests for
4 information.

5 A Yes.

6 Q I'm sorry. Did you say yes?

7 A I said yes, yes.

8 Q Okay. Thank you.

9 The last sentence of this
10 highlighted portion, do you see where it says:
11 "Agencies must either adopt the model
12 protocols in their entirety, or develop and
13 adopt a comparable protocol"?

14 A Yes.

15 Q Has the fire department adopted
16 the model protocols in their entirety?

17 A I believe so, but I think that
18 question might be best for the chief privacy
19 officer.

20 Q Do you understand the functions of
21 the chief privacy officer to relate to the
22 disclosure of information to third parties?

23 A Repeat the question.

24 Q Do you understand the functions of
25 the chief privacy officer at the fire

1 SHERYL MONTOUR

2 department to relate to the disclosure of
3 information to third parties?

4 A I work with the chief privacy
5 officer, and he directs me. But I don't think
6 I understand the question enough to answer it.

7 Q Okay. Sure. I'm happy to
8 rephrase it or come at it from a different
9 angle.

10 So you testified that you believe
11 that the model protocols have been adopted by
12 the agency but that that question might be
13 best suited for the chief privacy officer.

14 Do I have that right?

15 A Yes.

16 Q And you previously testified that
17 you are the supervisor of the FOIL unit.

18 Do I have that right?

19 A Yes.

20 Q As the supervisor of the FOIL
21 unit, are you responsible for handling
22 requests from third parties for City
23 information?

24 A Yes.

25 Q But as the supervisor of the FOIL

1 SHERYL MONTOUR

2 unit, you can't say one way or the other
3 whether the department has adopted the model
4 protocols?

5 A I would say I believe that they
6 have adopted the model protocols because this
7 is the privacy guidance. When I went
8 searching for -- asking for documentation,
9 this is the documentation that we provided for
10 these cases to the guidelines that we follow.
11 So actually, yes, we have adopted them.

12 Q Thank you.

13 And when this document refers to
14 the model protocols as governing requests,
15 including but not limited to identifying
16 information, do you understand the other
17 things that the model protocols -- do you have
18 an understanding of what the other things that
19 the model protocols relate to?

20 A PII, HIPAA, and confidentiality.

21 Q Do the model protocols govern the
22 proper application of the privacy exemption to
23 FOIL?

24 A I believe it covers the things we
25 should consider as PII.

1 SHERYL MONTOUR

2 Q And PII is encompassed within
3 identifying information. Would you agree?

4 A Yes.

5 Q Does the department have any other
6 written policies that guide you in determining
7 how to respond to a FOIL request?

8 MS. QUINN: Objection.

9 You can answer.

10 THE WITNESS: No.

11 BY MR. NORTH:

12 Q I want to go back to a topic that
13 you touched on before, which is the
14 file-by-file review of the records that you
15 performed, and then discuss that in the
16 context of the specific FOIL exemptions.

17 Do you perform a file-by-file
18 review of requested records to determine
19 whether they are responsive to a particular
20 request?

21 A Yes.

22 Q Do you perform a file-by-file
23 review of requested records to determine
24 whether the privacy exemption applies to a
25 particular record that is requested?

1 SHERYL MONTOUR

2 A Yes.

3 Q Do you perform a file-by-file
4 review of requested records to determine
5 whether the safety exemption applies to a
6 particular record that is requested?

7 A Yes, when it applies.

8 Q Did you perform --

9 A Because I --

10 Q -- a file-by- --

11 (Indiscernible crosstalk.)

12 A -- exemptions on a case-by-case
13 basis, I use whatever exemptions are within
14 the law as it applies on a case-by-case basis.

15 Q And is it fair to say that you
16 perform that analysis by looking at the
17 records themselves?

18 A Yes.

19 Q Do some types of records within a
20 particular category of records implicate some
21 exemptions even if others in that category do
22 not implicate those exemptions?

23 A I don't think I understand the
24 question.

25 Q Sure. I'm happy to rephrase it.

1 SHERYL MONTOUR

2 It was a bit abstract.

3 So if you're looking at a
4 particular category of records that has been
5 requested and you have multiple records that
6 are responsive, is it possible that those
7 multiple records may each implicate different
8 exemptions such that you would need to
9 withhold one under the privacy exemption,
10 disclose another, withhold another under the
11 safety exemption, etc.?

12 A Yes. That's the line-by-line
13 part. Yes.

14 Q And then making this just a bit
15 more specific and going back to the topic of
16 disciplinary records, just to clarify, has the
17 department ever received records requests
18 under FOIL for disciplinary records that would
19 encompass unsubstantiated or unfounded
20 allegations?

21 MS. QUINN: Objection.

22 You can answer.

23 THE WITNESS: Is the question have
24 I reviewed requests for disciplinary
25 records? I don't quite --

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q The question is slightly -- sure.
4 The question is slightly different, and that
5 is: Has the department ever received records
6 requests under FOIL for disciplinary records
7 where those requests would encompass
8 unsubstantiated or unfounded allegations?

9 A Because up until now, whenever I
10 received a request for disciplinary records, I
11 actually haven't seen any because there's no
12 reason for me to see any because 50-a applied,
13 which exempt them in whole.

14 Q And when you say "up until now,"
15 you're talking about up until the repeal of
16 50-a?

17 A Correct.

18 Q And since the repeal of 50-a, have
19 you had occasion to consider whether a
20 disciplinary records request encompassing
21 unsubstantiated or unfounded allegations
22 should be granted or denied?

23 MS. QUINN: Objection.

24 You can answer.

25 THE WITNESS: Not as of yet, no.

1 SHERYL MONTOUR

2 CERTIFIED STENOGRAPHER: I'm

3 sorry?

4 THE WITNESS: No, not as of yet.

5 BY MR. NORTH:

6 Q Just speaking more generally about
7 your application of the privacy exemption to
8 any requests for records of the fire
9 department, can you please explain for me how
10 the department determines whether the
11 disclosure of a particular record could
12 constitute an unwarranted invasion of privacy.

13 A Okay. So the quickest answer is,
14 does it involve PII or HIPAA; and then in
15 other respects, it's just the content of the
16 actual record. In instances where on a 911
17 call if it involves a sexual assault of some
18 sort -- we don't typically remove the reason
19 for the call. On that particular instance, we
20 would because it's unwarranted invasion of
21 privacy on that level. So that's an example.

22 Q And does the department ever
23 consider what -- I'm sorry. Did you say
24 something?

25 A Go ahead.

1 SHERYL MONTOUR

2 Q Does the department ever consider
3 whether it is proper to withhold, under the
4 privacy exemption, information that could harm
5 the reputation of a member of service?

6 A Harm? Not in particular, no. I'm
7 sure if it came up I would consider it, but
8 have I had the occasion to? Not as of yet,
9 no.

10 Q In the context of firefighter
11 personnel records, are there any records that
12 would be properly withheld under the privacy
13 exemption because the release could harm the
14 reputation of the member of service
15 identified?

16 MS. QUINN: Objection.

17 You can answer.

18 THE WITNESS: Can you repeat the
19 question?

20 BY MR. NORTH:

21 Q Sure. Well, let me ask just a
22 slightly more -- a slightly more specific and
23 less-abstract -- less-abstract question.

24 Have you ever considered whether
25 the release of unsubstantiated allegations

1 SHERYL MONTOUR
2 against firefighters contained in their
3 personnel records could harm the reputations
4 of those firefighters?

5 MS. QUINN: Objection.

6 I'm just going to instruct the
7 witness only to answer that question to the
8 extent it doesn't infringe on
9 attorney-client privilege.

10 THE WITNESS: Because of 50-a, I
11 have not had to review such record to make
12 that determination in regards to
13 disciplinary or firefighter personnel
14 records.

15 BY MR. NORTH:

16 Q And I understand that you haven't
17 been confronted with a particular request that
18 would require you to make that determination.
19 My question was slightly different, and that
20 is whether the department has considered the
21 possibility that the release of
22 unsubstantiated allegations against
23 firefighters could harm their reputations.

24 MS. QUINN: Objection.

25 I'm just going to instruct the

1 SHERYL MONTOUR

2 witness only to answer that question to the
3 extent it doesn't infringe on
4 attorney-client privilege.

5 THE WITNESS: Okay. Taking out
6 the reputation aspect of your question,
7 we've had -- we've had FOIL requests that
8 deal with EEO matters, and in those cases,
9 I've had to consider it. However, thus
10 far, we -- I've provided aggregate
11 information and have not yet had to produce
12 actual records. So it takes out the part
13 of the harm because I'm giving aggregate
14 Excel-type information that just has title,
15 the particular -- but yes, that's my
16 answer. Actually, that's it.

17 BY MR. NORTH:

18 Q Okay. And just to check that I
19 understand that answer, when you started that
20 answer by saying "taking out the reputation
21 aspect of your question," what do you mean by
22 that?

23 A I follow the rule, what FOIL
24 suggests under the law, but I just haven't had
25 to actually consider that particular aspect

1 SHERYL MONTOUR

2 because I've been providing aggregate
3 information and haven't had to release actual
4 records. And that would come into play when I
5 had to review actual records. But I just --

6 Q When you say actual --

7 A Uh-huh.

8 Q I'm sorry. I cut you off. Please
9 finish.

10 A Because it's just I -- to my
11 understanding, I didn't like the term
12 "reputation" -- it's not that I didn't like
13 it. I just don't quite understand. But it's
14 a privacy matter, and so if I had received a
15 request, I would consider substantiated or
16 unsubstantiated, but I'd follow the guidance
17 that's been provided either through case law
18 or the committee, which I think has opinions
19 out there on the topic.

20 Q Okay. And I'm sorry if my
21 question about reputation was unclear, but I
22 can try to be a little bit more specific.

23 My question was whether the
24 department has considered whether the release
25 of unsubstantiated allegations against

1 SHERYL MONTOUR

2 firefighters could harm the good name of the
3 firefighters who were identified.

4 MS. QUINN: Objection.

5 I'm going to instruct the witness
6 only to answer that question to the extent
7 it doesn't infringe on attorney-client
8 privilege.

9 THE WITNESS: I would say that
10 from my -- from my knowledge and
11 understanding, the case law on this is
12 the -- if it's unsubstantiated, the
13 identity of the party would not be
14 released.

15 BY MR. NORTH:

16 Q Okay. Does the department track
17 FOIL requests and responses using a computer
18 system or database of some kind?

19 A We use the New York City
20 OpenRecords database.

21 Q And is that where you store or log
22 all of the incoming requests and the outgoing
23 responses?

24 A If it's not mail, yes. We track
25 them all through the system, but the responses

1 SHERYL MONTOUR

2 aren't necessarily all in the system because
3 sometimes you have to mail out the responses.
4 But they're all tracked through there, yes,
5 and it will indicate --

6 Q And are you able to -- I'm sorry.
7 I cut you off again. I think you said "it
8 will indicate"?

9 A Yes. It'll indicate that I mailed
10 it when I close it, but you won't -- the
11 record wouldn't be there necessarily.

12 Q Are you able to call up past
13 requests or response letters based upon
14 whether the request was granted or denied?

15 A In the system?

16 Q In the system.

17 A I believe so.

18 Q And does the department forward
19 copies of denial letters to the law
20 department?

21 A Typically, no. Why would you do
22 that?

23 Q You're not aware of any legal
24 requirement that agencies in New York City
25 forward copies of denial letters to the law

1 SHERYL MONTOUR

2 department?

3 A Not that I'm aware of, no.

4 MR. NORTH: Let's call up Tab 5,
5 please, and I believe that will become
6 Exhibit 2.

7 (Exhibit Number 2, Letter from
8 Rebecca G. Quinn and Dominique
9 Saint-Fort to Judge Failla dated
10 7/25/20, was marked for
11 identification.)

12 BY MR. NORTH:

13 Q I don't imagine you've seen this
14 document before, but please tell me if you
15 have.

16 A Can we enlarge it?

17 Q This is a letter from the City of
18 New York law department to the United States
19 District Court in this matter, and I just
20 wanted to call your attention to page 2.
21 There's some highlighted language here. One
22 moment. I'm finding my place.

23 MR. NORTH: I just want to
24 confirm, Matt, that this is Tab 5.

25 I'm sorry. Bear with me one

1 SHERYL MONTOUR

2 moment.

3 THE WITNESS: Okay.

4 MR. NORTH: I'm just having an
5 exhibit issue. Would this be a good time
6 to take just a two-to-three-minute break?
7 Would that be all right with everyone?

8 MS. QUINN: That's fine with us.

9 THE WITNESS: That's fine.

10 MS. QUINN: Sheryl, you can turn
11 your camera off and go mute.

12 THE VIDEOGRAPHER: We're off
13 record at 12:32 p.m.

14 (Break taken from 12:32 p.m. to
15 12:35 p.m.)

16 THE VIDEOGRAPHER: We are back on
17 record at 12:35 p.m.

18 MR. NORTH: Okay. Sorry for that
19 brief delay, but we're just going to look
20 at a different document, which I'll
21 introduce the next exhibit. This is
22 another letter from the City of New York
23 Law Department to the United States
24 District Court dated July 30th, 2020.

25 And if we could just go, please,

1 SHERYL MONTOUR

2 to the second page. There's a paragraph
3 that begins with "FDNY." And blow that up
4 a little bit.

5 BY MR. NORTH:

6 Q Could you just take a moment to
7 read that paragraph.

8 A (Reviewing document.)

9 CERTIFIED STENOGRAPHER: Is this
10 being marked as Exhibit 3?

11 MR. NORTH: Yes, thank you.

12 (Exhibit Number 3, Letter from
13 Dominique Saint-Fort and Rebecca G.
14 Quinn to Judge Failla dated
15 7/30/20, was marked for
16 identification.)

17 BY MR. NORTH:

18 Q And just let me know when you're
19 finished reading that paragraph, please.

20 A Will do. Almost.

21 Q Thank you.

22 A (Reviewing document.)

23 Okay.

24 Q My one question for you on this is
25 the sentence midway through the paragraph

1 SHERYL MONTOUR

2 that's highlighted: "Additionally, the Bureau
3 of Legal Affairs FOIL Unit does not track
4 requests by whether they were granted or
5 denied, or the reason they were denied."

6 Is it accurate that you previously
7 testified that you are able to call up in the
8 OpenRecords system requests based upon the
9 disposition of the request?

10 A One by one, yes.

11 Q Okay. Do you agree with this
12 highlighted sentence that your unit at the
13 fire department does not track requests by
14 whether they were granted or denied?

15 A We don't track it that way, nor
16 does the system that we use on OpenRecords
17 allow us to pull up requests by the
18 determination. We would have to type in the
19 FOIL number into the system. It would pull up
20 that particular request. We would click into
21 it. And when we enter, we would see what --
22 if it was granted or not granted. After
23 actually it loads entirely, at the bottom it
24 would tell us what happened. So it would have
25 to be done one by one.

1 SHERYL MONTOUR

2 Q Okay. Thank you for clarifying
3 that.

4 A You're welcome.

5 MR. NORTH: We can drop this
6 exhibit, please.

7 BY MR. NORTH:

8 Q Let's go back to talking about the
9 Committee on Open Government for a moment,
10 please.

11 Would you describe the committee
12 as the statewide executive authority on the
13 scope and application of FOIL by agencies in
14 New York?

15 MS. QUINN: Objection. Asked and
16 answered.

17 You can answer.

18 THE WITNESS: They're the body in
19 place to provide agencies with guidance,
20 but that guidance is non -- not necessarily
21 binding because FOIL allows permissive, and
22 it's up to the agency.

23 MR. NORTH: And let's call up one
24 of their advisory opinions. It's Tab 14,
25 and we'll mark it for this deposition as

1 SHERYL MONTOUR

2 Exhibit 4.

3 (Exhibit Number 4, Opinion of
4 the Committee on Open Government,
5 FOIL AO 19775, dated 7/27/20, was
6 marked for identification.)

7 MR. NORTH: Matt, are you able to
8 call up Tab 14? Thank you. If we can go
9 down to the next page.

10 BY MR. NORTH:

11 Q In the final paragraph, there is a
12 sentence that's highlighted, and it says: "In
13 light of the repeal of 50-a, a request for
14 disciplinary records relating to a police
15 officer must be reviewed in the same manner as
16 a request for disciplinary records of any
17 other public employee."

18 Do you see that sentence?

19 A Can we enlarge, please?

20 Q Yes.

21 A Thank you. Okay.

22 Okay. What is the question again?

23 Q Is this -- is this consistent with
24 the department's views on the proper handling
25 of a FOIL request in light of the repeal of

1 SHERYL MONTOUR

2 50-a?

3 MS. QUINN: Objection.

4 I'm just going to instruct the
5 witness not to answer this question to the
6 extent it infringes on attorney-client
7 privilege.

8 BY MR. NORTH:

9 Q And to be clear, I'm not asking
10 for any privileged information, and you should
11 not disclose privileged information in
12 responding to any question that I ask. But I
13 am asking about the nonprivileged subject of
14 the department's views or policies on the
15 proper treatment of a request for disciplinary
16 records in light of the repeal of 50-a, which
17 does not inherently call for a privileged
18 answer. So please do --

19 MS. QUINN: And my objection
20 stands. That answer may very well
21 implicate things that were discussed that
22 are subject to attorney-client privilege.
23 So the instruction to the witness remains.

24 You may answer that question to
25 the extent it doesn't infringe on

1 SHERYL MONTOUR

2 attorney-client privilege.

3 THE WITNESS: Okay. Yes, this
4 would be my understanding. With the repeal
5 of 50-a, I would treat these records
6 similar to other FOIL requests and apply
7 the FOIL law on a case-by-case basis, line
8 by line.

9 MR. NORTH: Okay. I think that's
10 all we're going to use this document for.
11 So we can take the exhibit down.

12 BY MR. NORTH:

13 Q What is department's position as
14 to whether unsubstantiated allegations are
15 disclosable under FOIL?

16 MS. QUINN: Objection.

17 I'm just going to instruct the
18 witness not to answer to the extent it
19 infringes on attorney-client privilege.

20 THE WITNESS: I don't believe we
21 have necessarily a policy. I would request
22 the file, and when I receive the file, I'll
23 review it. But I -- from my FOIL
24 knowledge, for an unsubstantiated matter, I
25 wouldn't be providing any PII of anyone.

1 SHERYL MONTOUR

2 BY MR. NORTH:

3 Q Do you understand the privacy
4 exemption of FOIL to be broader or different
5 in character from laws that regulate the
6 disclosure of PII?

7 MS. QUINN: Objection.

8 You can answer.

9 THE WITNESS: I don't understand
10 the question.

11 BY MR. NORTH:

12 Q Sure. So just backing up and
13 taking this step by step, you said that from
14 your FOIL knowledge, for an unsubstantiated
15 allegation, you wouldn't be providing PII of
16 anyone, and my question is whether you
17 understand the privacy exemption to apply to
18 more than just PII.

19 A Yes.

20 Q And . . .

21 Sorry for the delay. I'm just
22 catching up with the transcript here.

23 Has the department discussed
24 changing its policies or practice with regard
25 to the disclosure of disciplinary records in

1 SHERYL MONTOUR

2 light of the repeal of 50-a?

3 MS. QUINN: Objection.

4 THE WITNESS: Not to -- go ahead.

5 MS. QUINN: I would just -- you
6 know, just note my objection that I'm
7 instructing the witness not to answer this
8 question to the extent it would reveal
9 information that is protected by the
10 attorney-client privilege.

11 THE WITNESS: Thank you.

12 To my knowledge, we have not, as
13 of yet, discussed it. At least I haven't
14 been party to any discussions.

15 BY MR. NORTH:

16 Q Okay. All right. If you can give
17 me just a few moments, I think I'm done for
18 the day, but I just wanted to make sure.

19 A Okay.

20 Q Thank you.

21 THE VIDEOGRAPHER: Do you want me
22 to stay on record for that or go off?

23 MR. NORTH: That's fine. I don't
24 think we're going to run out of time.

25 Okay. That is all the questions I

1 SHERYL MONTOUR

2 have for you today, Ms. Montour, and I
3 appreciate your time today. I appreciate
4 the time that it took you to prepare for
5 this deposition, which I'm sure was
6 significant. So thank you very much for
7 that.

8 I would just like to repeat on the
9 record for counsel plaintiff's request that
10 the model protocols, as well as any
11 agency-specific adaptations of those
12 protocols or substantially similar
13 protocols, be produced by the close of
14 business today, which is the close of
15 discovery, to the extent they haven't been
16 produced yet.

17 MS. QUINN: Thank you very much,
18 and we will take that under advisement.

19 MR. NORTH: Okay. Thank you,
20 everybody, for your time today.

21 MS. QUINN: Thank you so much.

22 Sheryl, thank you.

23 MS. SAINT-FORT: Thank you.

24 MS. QUINN: Evan, thank you very
25 much.

1 SHERYL MONTOUR

2 MS. SAINT-FORT: Thank you very
3 much.

4 THE VIDEOGRAPHER: This concludes
5 the deposition of Sheryl Montour. Going
6 off record at 12:48 p.m. Eastern Time.

7 CERTIFIED STENOGRAPHER: Does
8 everyone want the same order on the
9 transcript as yesterday?

10 MS. QUINN: Yes. Thank you,
11 Rhonda.

12 MR. NORTH: Yes. Thank you.

13 (Concluded at 12:49 p.m.)
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SHERYL MONTOUR

Subscribed and sworn to before me
this ____ day of _____, 2020.

(Notary Public)

My Commission
expires: _____

CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned authority, certify
that SHERYL MONTOUR remotely appeared before
me and was duly sworn.

WITNESS my hand and official seal this
9th day of August, 2020.

Rhonda Hall-Breuwet, RDR, CRR, LCR, CCR, FPR
Notary Public - State of Florida
My Commission Expires: 9/28/23
Commission No. GG 360849

C E R T I F I C A T E

STATE OF FLORIDA:

I, RHONDA HALL-BREUWET, RDR, CRR, LCR,
CCR, FPR, stenographic shorthand reporter, do
hereby certify:

That the witness whose deposition is
hereinbefore set forth was duly sworn, and
that such deposition is a true record of the
testimony given by such witness.

I further certify that I am not related
to any of the parties to this action by blood
or marriage, and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 9th day of August, 2020.

RHONDA HALL-BREUWET, RDR, CRR, LCR, CCR, FPR
Stenographic Shorthand Reporter

1 ERRATA SHEET FOR THE TRANSCRIPT OF:

2 Case Name: UNIFORMED FIRE OFFICERS
ASSOCIATION, et al. V. BILL de BLASIO, et al.

3 Dep. Date: August 7, 2020

4 Deponent: SHERYL MONTOUR

CORRECTIONS:

5 Pg. Ln. Now Reads Should Read Reason

6 _____

7 _____

8 _____

9 _____

10 _____

11 _____

12 _____

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14 _____

15 _____

16 _____

17 _____

18 _____

19 Signature of Deponent

20 SUBSCRIBED AND SWORN BEFORE ME

21 THIS _____ DAY OF _____, 2020

22 _____

23 _____

24 (Notary Public) MY COMMISSION EXPIRES: _____

25 _____

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